

REMARKS/ARGUMENTS

Claims 27 – 54 are presented for reconsideration and further examination in view of the following remarks. Claims 1 – 26 have been canceled.

In the outstanding Office Action, the Examiner rejected claims 27 – 54 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,350,120 to Sachdeva et al. (hereinafter referred to as “the Sachdeva et al. ‘120 patent”) in view of U.S. Patent No. 5,338,198 to Wu et al. (hereinafter referred to as “the Wu et al. ‘198 patent”).

By this Response, the rejections to independent claims 27 and 50 and the rejections to the claims dependent thereon have been traversed.

It is respectfully submitted that no new matter within the meaning of 35 U.S.C. §132 has been introduced to this application.

Rejections Under 35 U.S.C. §103(a)

The Examiner rejected claims 27 – 54 as being unpatentable over the Sachdeva et al. ‘120 patent in view of the Wu et al. ‘198 patent.

Response

By this Response, Applicants respectfully traverse the Examiner’s rejection since the priority documents of the present application pre-date the cited primary reference thereby making the cited primary reference improper.

The Sachdeva et al. ‘120 patent was published on February 26, 2002 and has a filing date of November 30, 1999. Although the present application has a filing date of January 2, 2004, it claims priority back to PCT application no. PCT/IL98/00593 which was filed on December 7,

1998 and further claims priority back to Israeli application no. 122807, which was filed on December 30, 1997. Thus, since the PCT application and Israeli application were respectively filed one and two years before the cited primary reference, the Sachdeva et al. '120 patent, the Sachdeva et al. '120 patent is not a proper reference and the Wu et al. '198 patent cannot be combined with it to render the presently claimed invention obvious.

Further, the Wu et al. '198 patent does not, by itself, render the presently claimed invention obvious. The Wu et al. '198 patent discloses a dental modeling simulator that operates by measuring molded impressions of teeth on a support table, the support table defining an X-Y plane. A laser probe detects Z-axis measurements in a first position; the molded impression is then tilted and the measuring process is repeated to obtain theretofore hidden measurements. A virtual three-dimensional model is thus produced.

Among other things, independent claim 27 recites a method for selecting orthodontic components comprising "generating a prescription for orthodontic treatment including specifying the type of components used based on the components of the virtual treatment."

In contrast to the presently claimed invention, the Wu et al. '198 patent is completely silent as to a step of "generating a prescription for orthodontic treatment including specifying the type of components used based on the components of the virtual treatment" as recited in independent claim 27. The Wu et al. '198 patent is directed toward modeling of a patient's teeth rather than diagnosis of problems and *prescriptions* of solutions for those problems. Thus, by itself, the Wu et al. '198 patent does not disclose, teach or suggest all of the features recited in independent claim 27 of the present application because the focus of the Wu et al. '198 patent is narrowly directed toward three-dimensional modeling.

Similarly, the Wu et al. '198 patent cannot render independent claim 50 obvious without

being combined with another reference.

Among other things, independent claim 50 recites a method for selecting real-life orthodontic components for use in an orthodontic treatment of an individual comprising “selecting a virtual set of orthodontic components representing real-life orthodontic components that may be used in an orthodontic treatment, said virtual set of components simulating the components of said real-life set....”

In contrast to the presently claimed invention, the Wu et al. ‘198 patent does not disclose, teach or suggest a step of “selecting a virtual set of orthodontic components representing real-life orthodontic components that may be used in an orthodontic treatment, said virtual set of components simulating the components of said real-life set...,” as recited in amended independent claim 50. Again, the Wu et al. ‘198 patent is directed toward modeling of a patient’s teeth rather than diagnosis of problems and prescriptions of solutions for those problems. Thus, by itself, the Wu et al. ‘198 patent does not disclose, teach or suggest all of the features recited in independent claim 50 of the present application because the focus of the Wu et al. ‘198 patent is narrowly directed toward three-dimensional modeling.

Accordingly, Applicants respectfully request that the Examiner allow amended independent claims 27 and 50 and allow all claims dependent thereon.

CONCLUSION

In light of the foregoing, Applicants submit that the application is now in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

Appl. No. 10/749,388

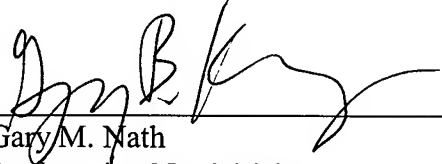
Reply to Office Action of Sep. 29, 2005

In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 14-0112.

Respectfully submitted,
NATH & ASSOCIATES PLLC

Date: December 29, 2005
NATH & ASSOCIATES PLLC
112 South West Street
Alexandria, VA 22314
(703) 548-6284

By:



Gary M. Nath
Registration No. 26,965
Gregory B. Kang
Registration No. 45,273
Derek Richmond
Registration No. 45,771
Customer No. 20529